

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

KENNETH THOMAS,

Petitioner,

v.

WARDEN,

Respondent.

CAUSE NO.: 3:18-CV-847-JD-MGG

OPINION AND ORDER

Kenneth Thomas, a prisoner without a lawyer, filed a habeas corpus petition challenging his prison disciplinary hearing in ISP 18-05-0262 where a Disciplinary Hearing Officer (DHO) at the Indiana State Prison found him guilty of using an electronic device to access social media in violation of Indiana Department of Correction policy B-207. (ECF 4 at 1.) As a result, he was sanctioned with the loss of 30 days earned credit time and demoted in credit class. *Id.*

After Thomas filed his petition, the finding of guilt and sanctions were vacated. (ECF 10-2 at 1.) The Warden has filed a motion to dismiss because this case is now moot. (ECF 10.) Thomas did not file a response and the time for doing so has passed. *See* N.D. Ind. L.R. 7-1(d)(2)(A). Regardless, the court cannot overturn the disciplinary proceeding and restore his time because the Indiana Department of Correction has already vacated the proceeding and restored his time. That is to say, Thomas has already won and there is no case left for this court to decide. Accordingly, this case must be dismissed. *See Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003) (prisoner can

challenge prison disciplinary determination in habeas proceeding only when it resulted in a sanction that lengthened the duration of his confinement).

For these reasons, the motion (ECF 10) is GRANTED and the case is DISMISSED. The clerk is DIRECTED to close this case.

SO ORDERED on April 24, 2019

/s/ JON E. DEGUILIO
JUDGE
UNITED STATES DISTRICT COURT